

ORDINANCE NO. 81- 29

AN ORDINANCE AMENDING THE ZONING CODE OF PALM BEACH COUNTY, ORDINANCE NO. 73-2, AS AMENDED; AMENDING SUBSECTION 300.1, ESTABLISHMENT OF DISTRICTS; CREATING PROVISIONS FOR THE AP-AGRICULTURAL PRESERVATION DISTRICT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning Act of 1975, as amended, Section 163.3161 et. seq., Florida Statutes, requires each local government to adopt a Comprehensive Plan to guide and manage future development; and

WHEREAS, the Board of County Commissioners of Palm Beach County, pursuant to said Act, adopted Ordinance No. 80-8, establishing a Comprehensive Plan for Palm Beach County; and

WHEREAS, the Palm Beach County Comprehensive Plan contains a land use category entitled "Agricultural Preservation" and a land use category entitled "Conservation", which provide for the establishment of a zoning classification which permits only agriculture and related functions; and

WHEREAS, Chapter 125 and 163, Florida Statutes, grant the authority to the Board of County Commissioners to adopt, amend and enforce zoning regulations within the unincorporated area of Palm Beach County; and

WHEREAS, the Board of County Commissioners of Palm Beach County now finds and determines that it is in the public's best interest to establish the AP-Agricultural Preservation District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT ORDINANCE NO. 73-2, as amended, known as the Palm Beach County Zoning Code, is hereby amended as follows:

SECTION I. Subsection 300.1, of Ordinance 73-2, as amended, is amended to read as follows:

300.1 Establishment of Districts

In order to classify, regulate and restrict the use of land, water, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open space about buildings; to regulate the intensity

1 of land use, and to promote the orderly urban growth of Palm Beach  
2 County, Florida, the unincorporated area is divided into ~~fourteen-~~  
3 ~~(14)-~~ Eighteen (18) districts as follows:  
4           601 ~~-AG-AGRICULTURAL-DISTRICT-~~ AP-AGRICULTURAL  
5 PRESERVATION DISTRICT  
6           602 ~~-RE-RESIDENTIAL-ESTATE-DISTRICT-AR-AGRICULTURAL~~  
7 RESIDENTIAL DISTRICT  
8           603 ~~-RT-RESIDENTIAL-TRANSITIONAL-DISTRICT-RE-RESIDENTIAL~~  
9 ESTATE DISTRICT  
10           604 ~~-RS-SINGLE-FAMILY-RESIDENTIAL-DISTRICT-RT-RESIDENTIAL~~  
11 TRANSITIONAL DISTRICT  
12           605 ~~-RM-MULTIPLE-FAMILY-RESIDENTIAL-DISTRICT-(MEDIUM-~~  
13 ~~DENSITY)-RTS-RESIDENTIAL TRANSITIONAL SUBURBAN DISTRICT~~  
14           606 ~~-RH-MULTIPLE-FAMILY-RESIDENTIAL-DISTRICT-(HIGH--~~  
15 ~~DENSITY)-RS-SINGLE FAMILY RESIDENTIAL DISTRICT~~  
16           607 ~~-CN-NEIGHBORHOOD-COMMERCIAL-DISTRICT-~~ RM-MULTIPLE  
17 FAMILY RESIDENTIAL DISTRICT (MEDIUM DENSITY)  
18           608 ~~-CG-GENERAL-COMMERCIAL-DISTRICT-RH-MULTIPLE FAMILY~~  
19 RESIDENTIAL DISTRICT (HIGH DENSITY)  
20           609 ~~-CS-SPECIALIZED-COMMERCIAL-DISTRICT-CN-NEIGHBORHOOD~~  
21 COMMERCIAL DISTRICT  
22           610 ~~-IB-LIMITED-INDUSTRIAL-DISTRICT-~~ CG-GENERAL  
23 COMMERCIAL DISTRICT  
24           611 ~~-IG-GENERAL-INDUSTRIAL-DISTRICT-~~ CS-SPECIALIZED  
25 COMMERCIAL DISTRICT  
26           612 ~~-PC-PRESERVATION/CONSERVATION-DISTRICT-~~ LCD-LIMITED  
27 COMMERCIAL DISTRICT  
28           613 ~~-PO-PUBLIC-OWNERSHIP-DISTRICT-~~ IL- LIGHT INDUSTRIAL  
29 DISTRICT  
30           614 ~~-CR-CONSERVATION-RESTRICTED-USE-DISTRICT-IG-GENERAL~~  
31 INDUSTRIAL DISTRICT  
32           615 PIPD-PLANNED INDUSTRIAL PARK DISTRICT  
33           616 PC-PRESERVATION/CONSERVATION DISTRICT  
34           617 ~~-PIPB-PLANNED-INDUSTRIAL-PARK-DISTRICT-PO-PUBLIC~~  
35 OWNERSHIP DISTRICT  
36           618 CR-CONSERVATION RESTRICTED USE DISTRICT



1           SECTION II. Section 601, of Ordinance 73-2, as amended,  
2 is created to read as follows:

3           601. AP - Agricultural Preservation District

4           A. PURPOSE AND INTENT

5           The purpose and intent of the AP District is to provide  
6 areas for exclusive, bona fide agricultural and farming related  
7 operations. This district is established to conserve and protect  
8 agricultural lands as an ecologically and economically valued  
9 resource by preventing the encroachment of urban land uses in  
10 predominately agricultural areas, particularly where soil and  
11 water conditions favor continued agricultural production. A wide  
12 range of agricultural activities and their accessory uses shall  
13 be permitted in this zone, in order to maintain continuation of  
14 agriculture as a major industry of Palm Beach County.

15           B. PERMITTED USES

16           In an AP-Agricultural Preservation District, no building,  
17 structure or land and water use shall be permitted except for one  
18 or more of the following uses:

19           APICULTURE  
20           DAIRYING  
21           FORESTRY  
22           GREENHOUSES  
23           GROVES  
24           HORTICULTURE  
25           LIVESTOCK RAISING  
26           NURSERIES  
27           PISCICULTURE  
28           POULTRY AND EGG PRODUCTION  
29           MUSHROOM RAISING  
30           CROP RAISING

31           AGRICULTURAL ACCESSORY USES that are customary and  
32 incidental to principal agricultural use included but not limited  
33 to the following:

34           -Baling Stations  
35           -Citrus Packing and Grading Plants  
36           -Corrals

1                -Dipping Vats  
2                -Equipment Storage Sheds  
3                -Forage Drying Facilities  
4                -Pre-cooling and Packing Plant  
5                -Pumping and Drainage Structures  
6                -Railway Tracks  
7                -Ramie-decortication Plants  
8                -Stand for the sale of agricultural products,  
9 provided: 1) that no building or structure other than a stand  
10 not exceeding three hundred (300) square feet of gross floor area  
11 be provided, 2) that such structure maintain mobility of some type  
12 such as wheels or skids, 3) that one stand be allowed for each  
13 six hundred (600) lineal feet of road frontage, and 4) that such  
14 structure be set back twenty-five (25) feet from the pavement or  
15 zero (0) feet from the base building line, whichever distance is  
16 greater, 5) that such stand not be located within one hundred (100)  
17 feet of the intersection of the right-of-way lines of any two  
18 dedicated roads.

19                SUGAR MILL AND REFINERY  
20                AGRICULTURAL RESEARCH AND DEVELOPMENT facilities,  
21 public and private (excluding manufacture and sale of products)  
22                PUBLIC OPERATED PARKS AND RECREATION AREAS including  
23 but not limited to the following:

24                -Forests and other reservations  
25                -Game and wildlife preserves

26                BONA FIDE FARM RESIDENCES on a minimum lot area of  
27 160 acres, provided that a residence determined to be a Bona Fide  
28 farm residence by the Board of Adjustment may be constructed on a  
29 lot of less than 160 acres. Accessory garages and swimming pools  
30 may also be permitted.

31                C. USES SUBJECT TO SPECIAL PERMIT REGULATIONS

32                In an AG District, the following buildings, structures,  
33 and uses shall be permitted after compliance with the following  
34 special regulations.

35                RADIO TOWERS, incidental to an agricultural use,  
36 not exceeding one hundred fifty (150) feet in height from ground

level if: 1) Setbacks measured from the base of the tower to the property lines shall equal a distance of not less than the height of the tower; 2) Location in such a manner that the tower will not fall on any power lines or adjacent property.

D. SPECIAL EXCEPTIONS SUBJECT TO COMMISSION APPROVAL

When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter 1, Section 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Comprehensive Land Use Plan of Palm Beach County, the following uses shall be permitted:

HORSE TRAINING AND BREEDING FARMS, allowing one groom quarter, etc.

PUBLIC AND PRIVATE UTILITY SERVICES and accessory buildings and structures including but not limited to the following:

- Electric power and light substation
- Gas and water regulation station
- Sewage Treatment Plant
- Water tower, storage tank, reservoir, treatment

plant

-Transfer station (See Section 500.4)

AIRPLANE LANDING STRIPS, accessory to agricultural uses (See Section 500.7)

MIGRANT AND TRANSIENT FARM LABOR QUARTERS AND CAMPS and accessory buildings and structures

COMMERCIAL RADIO, TELEVISION, MICROWAVE TRANSMISSION AND RELAY STATIONS AND TOWERS and accessory equipment buildings (See Section 500.10)

COMMERCIAL SALES AND SERVICE ENTERPRISES providing products and services of an agricultural nature customarily needed, utilized and consumed in rural areas devoted to agricultural land uses, such as feed and grain stores, farm implement sales and



1 service, and the like.

2 VETERINARY OFFICE, related to livestock and other  
3 farm animals

4 E. PROPERTY DEVELOPMENT REGULATIONS

5 1. Minimum yard setback requirements

6 Front 100 feet

7 Side (interior) 50 feet

8 Side (corner) 80 feet

9 Rear 100 feet

10 2. Maximum building height, total floor area and  
11 lot coverage

12 Maximum Building Height 35 feet

13 Maximum Total Floor Area 10% of the total lot  
area

14 Maximum Lot Coverage 10% of the total lot  
area

15 EXCEPTION: All agricultural processing and  
16 research buildings and accessory uses requiring a height greater  
17 than thirty-five (35) feet shall be permitted, provided the  
18 minimum yard setback requirements of Chapter 601(E)1. above  
19 are met in addition to a three (3) foot setback for all yards  
20 for each 10 feet or fraction thereof above thirty-five (35) feet.

21 F. SPECIAL REGULATIONS

22 1. Access

23 (See Section 500.20)

24 2. Offstreet parking

25 (See Section 500.17)

26 3. Offstreet loading

27 (See Section 500.19)

28 4. Parking, storing, keeping of commercial and  
29 recreational vehicles (See Section 500.18)

30 5. Landscaping

31 (See Palm Beach County Landscape Ordinance)

32 6. Fences and walls

33 (See Section 500.15)

34 7. Performance Standards

35 (See Section 500.16)

36 8. Signs

(See Palm Beach County Sign Ordinance)

SECTION III. REPEAL OF LAWS IN CONFLICT.

All local laws and Ordinances applying to Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

SECTION IV. SEVERABILITY.

If any section, paragraph, sentence, clause, phrase or work of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remainder of this Ordinance.

SECTION V. INCLUSION IN CODE.

The provisions of this Ordinance shall become and be made a part of the Code of laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word.

SECTION VI. EFFECTIVE DATE.

The provisions of this Ordinance shall become effective upon receipt of acknowledgement by the Secretary of State, State of Florida.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 10th day of NOVEMBER, 19 81.

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By:   
Chairman

1 Acknowledgement by the Department of State of the State  
2 of Florida, on this, the 19th day of November, 1981.

3 EFFECTIVE DATE: Acknowledgement from the Department of  
4 State received on the 23rd day of November,  
5 1981, at 1:44 P.m., and filed in the Office of the Clerk of  
6 the Board of County Commissioners of Palm Beach County, Florida.

7  
8 APPROVED AS TO FORM AND  
9 LEGAL SUFFICIENCY

10  
11 By:   
12 County Attorney